



# Town Council

TOWN OF WATERTOWN

ADMINISTRATION BUILDING • WATERTOWN, MA 02472-4410  
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Ordinance # 2005-18

## Watertown Animal Control Ordinance

### Section 1 - Introduction

Acting under Massachusetts General Law and pursuant to Chapter 140, Section 136A through 173 and under any other applicable laws and regulations, the City of Watertown, known as the Town of Watertown, hereby adopts this ordinance in the interest of protecting the health and safety of its citizens, dogs, cats and wildlife.

### Section 2 - Definitions

**"Animals"**: All mammals, fowl and reptiles, except human beings.

**"Animal Control Officer/ Junior Sanitarian"**: A duly authorized employee of the Watertown Board of Health whose primary responsibility is to enforce the provisions of the Watertown Animal Control Ordinance.

**"Animal Control Agent"**: Any duly authorized employee or agent of the Watertown Board of Health or any Watertown Police Officer who may enforce the provisions of the Watertown Animal Control Ordinance.

**"At Large"**: Off the premises of the owner or keeper and not under the control of the owner or custodian either by leash, cord, chain or otherwise.

**"Domestic animals"**: Any dog, cat or livestock.

**"Enclosure"**: A fence or structure of at least six feet in height, forming or causing an enclosure to confine a dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the dog. Such enclosure shall be securely constructed and locked and designed with secure sides and bottom so as to prevent the animal from escaping.

**"Excessive barking or howling"**: Unprovoked noise of a dog, of such duration and frequency as to create a situation preventing the normal use or enjoyment of one's property.

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**"Keeper"**: Any person owning, possessing, controlling, harboring or having custody of an animal.

**"Impound"**: Take into the custody of the Watertown Board of Health, Animal Control Officer/ Junior Sanitarian or Animal Control Agent.

**"Service Dog"**: A dog that has been individually trained to mitigate his or her partner's disability. Previously referred to as a guide dog.

**"Leash"**: A restraint made of a sturdy, unfrayed material suitable to allow the dog owner or keeper to maintain control over the dog. Leash is used to restrain the dog when upon the streets, sidewalk or any public areas or to restrain the dog from entering these said areas.

**"Vicious Dog"**: A presumption that a dog is a vicious dog shall be based upon, but shall not be limited to, the following criteria:

- a.) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property.
- b.) Any dog when unprovoked in a vicious or terrorizing manner, approaches any person or domestic animal in an attitude of attack upon the streets, sidewalks or any public grounds or places.

Notwithstanding the above definition of "vicious dog," no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was at least seven years old, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

**"Secure Pen"**: A locked pen with sound sides, bottom and top to prevent the entry of young children and to prevent the dog from escaping by climbing, jumping or digging.

**"Unprovoked attack"** : An attack upon human beings or domestic animals caused by something other than a trespass or other tort, or the teasing, tormenting or abusing of a dog.

**"Unconfined"**: Not securely confined indoors, or in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper.

### Section 3 - Licensing

**3.1 Dog and cat licensing fee.** No person shall own or keep a dog or cat, four months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. Except as hereinafter provided, the fee beginning on January 1, 1996 for such a license shall be \$10.00 for each dog or cat. The licensing period shall be from January 1<sup>st</sup> through December 31<sup>st</sup>. The license fee for each dog or cat owned or kept by persons who are aged 60 or older shall be \$5.00. The provisions of this Ordinance shall not apply to veterinary establishments that are subject to kennel licensing.

**3.2 Dog Licensing – Rabies:** No dog or cat shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing.

**3.3 Dog Licensing – Additional Requirements:** No dog or cat six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:

- a) proof that the dog or cat has been spayed or neutered, or
- b) a statement signed by a veterinarian stating a reason why spaying or neutering has been delayed, or
- c) a statement signed by the owner or keeper of the dog or cat that a decision has been made not to spay or neuter the dog or cat, or
- d) a statement signed by a veterinarian or the animal control officer that the animal appears to have been spayed or neutered in the past

**3.4 Dog/Cat Licensing – Breeder's License:** A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter. The fee for such a breeder's license shall be \$25.00 for each cat or dog and such fee shall be in addition to the fee imposed pursuant to this Ordinance.

**3.5 Dog/Cat Licensing – Number of Licensed Pets:** Not more than three dogs or five cats over four months of age shall be kept in a household. Any variance to this number of licensed animals must first be approved by the Board of Health.

- 3.6 Licensing – Wild and Exotic Animals:** No person within the Town shall possess, maintain, propagate, cultivate or deal with wild or exotic animals within the meaning of Chapter 131, Section 23, of the Massachusetts General Laws unless notice thereof has been filed with the Board of Health and all permits required by said Section 23 or otherwise have been obtained.

#### **Section 4 - Restraint of Dogs**

- 4.1 Restraint of Dogs:** Any person owning or keeping a dog shall not suffer or allow it to run at large in any of the streets or public ways, or places in the Town of Watertown, or upon the premises of any one other than the owner or keeper, unless the owner or occupant of such premises grants permission. Under no circumstances shall a dog, even on a leash, be allowed on private property, unless specific permission has been granted. No dog shall be permitted in any public place or street within the Town of Watertown unless it is effectively restrained by a chain or leash.
- 4.2 Restraint – Service Dog Exemptions:** No dog, except for a Service Dog, shall be allowed on school property or in a public park maintained by the Town of Watertown.

#### **Section 5 - Removal of Dog Waste**

- 5.1 Removal of dog waste from public and private property:** Each person who owns or keeps a dog within the Town, shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area, or on any private property which is not owned or occupied by such person. Any such dog is to be accompanied by a person carrying a device which is suitable for picking up and containing feces, unexposed to such person and to the general public.
- 5.2 Method of dog waste disposal:** Dog waste or feces, may only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.
- 5.3 Exemptions to the removal of dog wastes:** Section 5.1 and 5.2 shall not apply to a service dog accompanying any handicapped person, who, by reason of a handicap, is physically unable to comply with the requirements of said sections.

## **Section 6 - Nuisances**

**6.1 General Prohibition:** No person shall own or keep in the Town any dog, cat or other household pet which by biting, barking, howling, scratching or crying, or any other manner, disturbs the peace and quiet of any neighborhood, destroys private property or endangers the safety of any person.

**6.2 Request for a Dog Hearing:**

Determination that a dog is a nuisance or vicious:

- a.) In the event that an agent or member of the Board of Health has cause to believe that a dog is a nuisance by reason of vicious disposition or excessive barking or other disturbance or upon the written complaint (see Appendix A) of a citizen made under oath and attesting to the same, the Director of the Board of Health or his/her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Board of Health shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by a person authorized to serve civil process or by certified or registered mail. The hearing shall be held at a time and location to be determined by the Board of Health and shall be open to the public.
- b.) A determination of the hearing outcome will be made in writing by the Director of the Board of Health, the Animal Control Officer / Junior Sanitarian or an agent of the Board of Health. The decision may consist of, but not limited to, one of the following orders or combination of orders and actions: a.) Obedience Training, b.) Restraint Training, c.) Restraint Procedures when off property, d.) Enclosure / Secure Pen on property, e.) Impoundment, f.) Banishment, g.) Euthanasia. The order shall be served by a person authorized to serve civil process or by certified or registered mail.

## **Section 7 - Impoundment**

### **7.1 Notice of Impoundment:**

It shall be the duty of any Animal Control Officer / Junior Sanitarian or his/her designee to apprehend any dog found running at large in any street or public place within the Town of Watertown and to impound such dog in the place provided therefore.

The Animal Control Officer / Junior Sanitarian, upon impounding such dog, shall make a complete record, including the date and location of apprehension of each such dog; the place of confinement; the breed, color, and sex; whether or not such dog is licensed. If said dog is licensed, the Animal Control Officer / Junior Sanitarian shall enter the name and address of the owner or keeper of such dog and the number of the license tag. The owner or keeper, if known, shall be notified as soon as possible that the dog has been impounded.

The owner or keeper of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all other associated costs as applicable.

If said dog is adopted, the name and address of the new owner must be recorded; and, if destroyed, the method and date of destruction and the name of the person who destroyed the dog must be recorded.

### **7.2 Unclaimed Dogs:**

The Board of Health shall make reasonable efforts to determine the identity of the owner or keeper of any dog. If any dog is impounded pursuant to this chapter and its owner and/or keeper cannot be identified within ten days, the dog may be put up for adoption or humanely euthanized, provided that the Animal Control Officer / Junior Sanitarian determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action.

## **Section 8 - Miscellaneous**

- 8.1 Animal Bite Procedure:** All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Board of Health as soon as possible by the person bitten or by the owner or keeper of the animal, or both.
- 8.2 Motor Vehicle Operator Responsibility:** The operator of a motor vehicle that strikes, injures, or kills any animal within the Town shall report such incident to the pet's owner, custodian or to a Watertown Police Officer.
- 8.3 Feeding of Wild Animals:** No person within the Town shall feed, as to create a nuisance, any wild animals, including without limitation ducks, geese and raccoons, or any homeless dogs or cats, except birds fed within the confines of his /her private property, provided that no threat to public health or safety is thereby created. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This Section, 8.3, shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order to have it vaccinated, spayed, neutered and ultimately adopted.

## **Section 9 - Enforcement of the Animal Control Ordinance**

- 9.1 Criminal Complaint:** Any person who violates any provision of this Ordinance may be penalized by indictment or on complaint brought in district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars. Each day on which any violation or offense continues shall be deemed to be a separate violation or offense.

Enforcing Persons: Watertown Board of Health, its Agents or any Watertown Police Officer.

9.2 Non criminal Disposition: Whoever violates any provision of this Ordinance, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D. Each day on which any violation exists shall be deemed to be a separate offense.

Penalty: \$ 25.00 for first offense  
\$ 50.00 for second offense  
\$100.00 for third offense  
\$100.00 for each offense after the third offense

Enforcing Persons: Watertown Board of Health, its Agents or any Watertown Police Officer.

9.3 Other: Any person who violates any provision of this Ordinance is also subject, at the discretion of the Board of Health or its agents, to any other legal or equitable enforcement remedy available.



Susan G. Falkoff  
Susan G. Falkoff, Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Ordinance was adopted by a unanimous roll call vote.

Valerie Papas  
Valerie Papas  
Council Clerk

Pamela A. Piantedosi  
Pamela A. Piantedosi  
Council President